



PATENT
ATTORNEY DOCKET NO.: 051438-5002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Nadine BURTON et al.

Application No.: 10/712,265

Filed: November 14, 2003

For: MEDICAL VACUUM ASPIRATION
DEVICE HAVING REMOVABLE
VALVE HOUSING (as Amended)

Confirmation No.: 8062

Group Art Unit: 3761

Examiner: M. Bogart

Mail Stop Amendment

Commissioner for Patents
U.S. Patent and Trademark Office
Mail Stop Amendment
Alexandria, VA 22314

Sir:

AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is an Amendment in response to the Office Action dated November 28, 2008.
2. Additional papers enclosed.

- [] Request for Approval of Drawing Change
[] Submission of Formal Drawings
[] Information Disclosure Statement
[] Form PTO-1449, ___ references included
[] Citations

- ### 3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

- [X] Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- [] Applicants petition for an extension of time, the fees for which are set out in 37 CFR 1.17(a)-(d), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00

Extension of time fee due with this request: \$0.00.

If an additional extension of time is required, please consider this a Petition therefor.

- [] An extension for __ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

- [X] **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

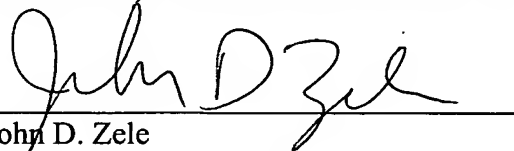
6. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	27	Minus	28		x \$50.00 each=	+ \$0.00
Independent Claims (37 C.F.R. §1.16(b))	3	Minus	3	0	x \$200.00 each=	+ \$ 0.00
<input type="checkbox"/> First presentation of Multiple dependent claim(s)					\$360.00	+ \$0.00
SUB-TOTAL =						\$0.00
Reduction by 1/2 for filing by a small entity-						\$0.00
TOTAL FEE =						\$0.00

7. Fee Payment☒ No fee is to be paid at this time.☐ Please charge our Deposit Account No. 50-0310 in the amount of \$0.00 for the fee for one added claim.☒ The Commissioner is hereby authorized to charge any additional fees including fees due under 37 CFR §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP



John D. Zele

Registration No. 39,887

Dated: February 28, 2008

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AMENDMENT

This paper is filed in response to the non-final Office Action mailed November 28, 2007, which sets a three-month shortened statutory period for response. As this paper is filed within the shortened statutory period for response, no extension of time is required. Applicants respectfully request amendment of the above-identified application as follows: